

**L.E., by next friends and parents,  
SHELLEY ESQUIVEL and  
MARIO ESQUIVEL,**

**Plaintiff,**

**v.**

**BILL LEE, in his official capacity as  
Governor of Tennessee; et al.,**

**KNOX COUNTY BOARD OF  
EDUCATION a/k/a KNOX COUNTY  
SCHOOL DISTRICT; et al.,**

**Defendants.**

**Magistrate Judge Newbern**

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Defendants Governor Lee, Commissioner Schwinn, Executive Director Morrison, members of the Tennessee State Board of Education, in their official capacities, and the Tennessee State Board of Education (“State Defendants”) provide notice of *R.K. v. Lee*, No. 22-5004, 2022 WL 17076105 (6th Cir. Nov. 18, 2022) (vacating injunction of a Tennessee COVID-19 statute (the “Act”) that regulates public schools and other governmental entities). In *R.K.*, the Sixth Circuit concluded that “[w]hatever injury the plaintiffs may suffer is not fairly traceable to . . . Governor Lee and Commissioner of Education Schwinn.” 2022 WL 17076105 at \*2. “Governor Lee’s obligation to ensure that the state’s laws are faithfully executed does not, by itself, mean that any injury caused by the Act is fairly traceable to him.” *Id.* And although Commissioner Schwinn has authority to withhold funds from schools that violate the Act challenged in *R.K.*, schools are not automatically disentitled from receiving state funds and any enforcement action is directed at the schools, not the plaintiffs. *Id.* at \*3. Here, the State Defendants have also argued that any alleged injury cannot be fairly traced to them. (State Defs.’ Mem. of Law, ECF 56, PageID # 1425-26.)

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## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Notice of Supplemental Authority has been served through the e-filing system on November 22, 2022, to:

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